

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 4:15-CV-050

ONE BROWNING, MODEL LIGHT
TWELVE, 12 GAUGE SHOTGUN,
SERIAL NUMBER 70023055;
ONE BROWNING, MODEL LIGHT
TWENTY, 20 GAUGE SHOTGUN, SERIAL
NUMBER 02368PY231; ONE BROWNING
MODEL A5, 12 GAUGE SHOTGUN,
SERIAL NUMBER 7V98390, ET AL.,

Respondents in Rem.

COMPLAINT FOR FORFEITURE

The United States of America files this complaint in rem against the Respondent property listed on the attached Exhibit A (Respondent property).

I.

This Court has subject matter jurisdiction of this cause of action in rem by virtue of the provisions of 28 U.S.C. §§ 1345 and 1355(a). Venue is proper under 28 U.S.C. § 1355(b)(1) because the actions giving rise to the forfeiture occurred in this District, and under 28 U.S.C. § 1395(b) because the Respondent property is located in this District.

II.

The statutory basis for this suit is 18 U.S.C. § 924(d) because the Respondent

property was involved in the willful violation of 18 U.S.C. § 922(a)(1)(A). This is shown by the Verified Affidavit in Support of Complaint of Forfeiture of Melanie Finney, attached and incorporated as Exhibit B. 28 U.S.C. §§ 2461 and 2465, 18 U.S.C. § 983, and Rule G, Supplemental Rules For Admiralty or Maritime Claims and Asset Forfeiture Actions, Title 28, U.S.C. (Supplemental Rule), are also applicable.

III.

As set forth in the Verified Affidavit of Special Agent Melanie Finney, on or about September 2, 2014, the Respondent property was seized by agents and task force officers of the Bureau of Alcohol, Tobacco, and Firearms (ATF) in Tarrant County, Texas, pursuant to a valid search warrant. ATF is currently in possession of the Respondent property.

IV.

Notice of the proposed non-judicial administrative forfeiture in accordance with 18 U.S.C. § 983(a), and 19 U.S.C. § 1607 as incorporated by 21 U.S.C. § 881(d), was sent by ATF to Eddie Sessums and published on the official government internet forfeiture site (www.forfeiture.gov) for at least 30 consecutive days, beginning on September 29, 2014. Pursuant to 18 U.S.C. § 983(a)(3)(A), this action is required to be brought in the United States District Court because Sessums filed a verified claim of ownership to the Respondent property with the ATF on October 24, 2014.

V.

The name and last known addresses of the individual reasonably appearing to the

government at this time to be a potential claimant to the Respondent property is:

Eddie Sessums
240 Lansford
Benbrook, Texas 76126

Eddie Sessums
c/o Benson Varghese
420 Throckmorton, Suite 200
Fort Worth, Texas 76102

VI.

THEREFORE, the United States of America, requests that:

- 1 The District Clerk issue a warrant for the arrest of the Respondent property pursuant to Supplemental Rule G(3)(b)(i);
2. The Respondent property be arrested by the United States Marshal, as provided by Supplemental Rule G(3)(C);
3. Publication of notice of this forfeiture action be made by posting notice on the official government internet site, www.forfeiture.gov, for at least 30 consecutive days, in accordance with Supplemental Rule G(4)(a);
4. Direct notice of this forfeiture action be given to the person who reasonably appears to be a potential claimant in accordance with Supplemental Rule G(4)(b);
5. All persons having any interest in or right against the Respondent property be advised by the public notice or the direct notice to timely file in this Court a verified claim identifying the interest or right to the Respondent property as required by Supplemental Rule G(5)(a) and 18 U.S.C. § 983(a)(4)(A); and to file an answer to this Complaint for Forfeiture

or motion under Fed. R. Civ. P. 12 in the manner required by the Supplemental Rule G(5)(b) and 18 U.S.C. § 983(a)(4)(B). Further any person filing a verified claim of interest or right and/or an answer shall serve a copy of same on Megan J. Fahey, Assistant United States Attorney, Burnett Plaza, Suite 1700, 801 Cherry Street, Unit #4, Fort Worth, Texas 76102-6882;

6. At the conclusion of this proceeding, the Respondent property be condemned by order and judgment of this Court and declared and decreed to be forfeited to the United States of America in accordance with law; and

7. All costs and expenses incurred by the United States in obtaining the forfeiture of the Respondent property be appropriately taxed against any person or entity who may file a verified claim and answer herein, and/or if more than one person or entity files a verified claim and answer herein be jointly taxed and prorated among them, as the Court deems just and equitable.

Respectfully submitted,

JOHN R. PARKER
ACTING UNITED STATES ATTORNEY

s/ Megan J. Fahey

Megan J. Fahey
Assistant United States Attorney
Texas State Bar No. 24043655
Burnett Plaza Suite 1700
801 Cherry Street Unit 4
Fort Worth, Texas 76102-6882
Telephone: 817-252-5200
Facsimile: 817-252-5455